IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6401 OF 2006

Shri Nandlal P. Gupta ..applicant

Vs.

The Mogaveera Coop Bank Ltd & Ors. ..Respondents

Ms.Archana Khan for the applicant

Mr.Yogendra M. Kanchan for hte respondent no.1 and 2

CORAM : A.P.DESHPANDE, J

DATED : 21ST DECEMBER, 2006

P.C.:

1. The petitioner is aggrieved by issuance of certificate under section 101 of the Co-operative Societies Act. An issuance of a certificate is revisable under section 154 of the Co-operative Societies Act. Sub section 2A of s.154 of the act provides for a pre-deposit condition of 50% of the amount covered by the certificate.

2. The learned counsel for the petitioner submits that as the petitioner did not have money to deposit 50%, this writ petition has been filed.

The petitioner is not in a position to deposit any amount forthwith. It is submitted that the house and shop has been attached and possession is taken. As there exists an alternative remedy in the form of a revision and as sub section 2A of the Act obliges the applicant to deposit 50% of the amount, the said provision cannot be circumvented by entertaining the writ petition. In the result, there is no merit in the writ petition. Petition is summarily rejected. However, it is made clear that it shall be open for the petitioner to file a revision u.s.154 of the M.C.S.Act and the revisional court shall decide the same in accordance with law.

(SHRI A.P.DESHPANDE, J)